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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,463	11/14/2003	Lindstrom John JR.	2037490-0001	2485
7590 07/01/2004			EXAMINER	
Mark Youug P A 9951 Atlantic Blvd Suite 227 Jacksonville, FL 32225			LEGESSE, NINI F	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,463

Applicant(s)

JOHN, LINDSTROM

Examiner

Nini F. Legesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-15, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Florian (US Patent No. 5,294,124).

Florian discloses a putting practice device comprising:

- **With respect to claim 1**, a member (10") with a longitudinal centerline (14"), a head end (the end wherein channel 30" is located as shown on Fig. 5A) and a back end (the end wherein close to line 18" as shown on Fig. 5A), means for positioning a golf ball (30") at the head end of the member so that the center of the golf ball is in alignment with the centerline (see Fig. 5A).
- **With respect to claim 2**, the means for positioning (30") is configured to allow the golf ball to rest on a putting surface and proceed toward a target without interference from the device (see Fig. 5A).
- **With respect to claim 3**, the means for positioning (30") is comprised of a cutout at the head end of the device (see Fig. 5A).
- **With respect to claim 4**, the cutout (30") is semicircular (32").

- **With respect to claim 5**, further including a horizontal line (12", 18"), said horizontal line being perpendicular to the centerline (as shown on Fig. 5A horizontal lines 18" and 12" are perpendicular to centerline 14").
- **With respect to claim 6**, the horizontal line (12") is near the head end of the device.
- **With respect to claim 7**, further including a plurality of horizontal lines (12" and 18"), each horizontal line being perpendicular to the centerline.
- **With respect to claim 8**, the plurality of horizontal lines (12" and 18") includes a horizontal line (12") near the head end of the device (see Fig. 5A).
- **With respect to claim 9**, further including at least one hole (40).
- **With respect to claim 10**, the hole is near the back end of the device (the two holes 40 as shown on the left end of Fig. 5A) and sized to accommodate a tee (column 4, lines 45-48).
- **With respect to claim 12**, the device is a one-piece apparatus (as shown on Fig. 5A, the device 10 is one-piece apparatus).
- **With respect to claim 13**, the device is configured for use on artificial and natural putting surfaces (column 1, lines 40-44 indicate that the device is to be used wherever the golfer wants to practice his putting).
- **With respect to claim 14**, the device is configured to not physically control or constrain a putting swing (as discussed in column 4, lines 32-48 and as shown on Fig. 5A, the device is a thin element that can be secured to the ground. It does not physically control or constrain a putting swing).

- **With respect to claim 15**, wherein the device is configured to not physically control or constrain a putting stance (as discussed in column 4, lines 32-48 and as shown on Fig. 5A, the device is a thin element that can be secured to the ground. It does not physically control or constrain a putting stance).
- **With respect to claim 17**, a member (10") with a longitudinal centerline (14"), a head end (the end wherein channel 30" is located as shown on Fig. 5A) and a back end (the end wherein close to line 18" as shown on Fig. 5A), a cut out (30") at the head end configured to position a golf ball in alignment with the centerline said horizontal line being perpendicular to the centerline (14") and adjacent to the head end (see Fig. 5A. Please not that other embodiments like Fig.6A and 7A show the golf ball 21 being positioned in channel 30").
- **With respect to claim 18**, the cutout is semicircular (32").
- **With respect to claim 19**, wherein the hole is near the back end of the device (refer to the two holes 40 as shown on the left end of Fig. 5A).

Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rife et al. (US Patent No. 5,332,211).

Rife discloses a putting practice device comprising:

- **With respect to claim 1**, a member (32) with a longitudinal centerline (33), a head end (the end wherein arms 34 are located as shown on Fig. 1) and a back end (the end wherein item 33 is shown as seen on Fig. 1), means for positioning a golf ball (the cutout area wherein ball 30 is positioned as shown on Fig. 1) at

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the head end of the member so that the center of the golf ball is in alignment with the centerline (see Fig. 1).

- **With respect to claim 16**, as shown on Fig. 1 the device is placed on a putting surface, a golf ball (30) is to or abutting the head end of the device and in alignment with the centerline (33) of the device, the putter is squared so that the putter head is generally perpendicular to the centerline (refer to the middle part of Fig. 1 wherein the putter is shown in hidden line as being squared so the head is perpendicular to the centerline), the face of the putter is generally perpendicular to the surface of the device (see Fig. 1), the sweet spot of the putter is generally aligned with the centerline; moving the putter head back with the sweet spot aligned with the centerline, and moving the putter head forward in alignment with the centerline, so that the sweet spot of the squared putter face impacts the aligned golf ball (see Fig. 1 and refer to column 9, lines 16-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florian in view of Breese (US Patent No. 4,095,797).

Florian discloses the invention as recited above but fails to include legible instructions of use on the device. However, the use of instructions with golf training devices is not new and Breese is one reference among many that teaches the use of legible instructions (refer to items 70 and 72 as shown on Figs. 5 and 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide instructions as taught by Breese in the Florian device in order to instruct the golfer in the proper use of the training device as stated in column 2, lines 10-11 of the Breese's reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vidovich Greg can be reached on (703) 308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nini F. Legesse

06/25/04